

MONTANA LEGISLATIVE HISTORY

Chapter 348 19 85

Bill H 799 S _____

Original bill & history ☒ c

H. Committee on Judiciary

Hearing Date(s) 2-22 ☒ c

_____ c

_____ c

_____ c

Date Out _____ c

S. Committee on Judiciary

Hearing Date(s) 3-20 ☒ c

_____ c

_____ c

_____ c

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

		CONCURRED	94	0
4/22	3RD READING GOVERNOR'S AMENDMENTS			
		CONCURRED	93	0
	TRANSMITTED TO SENATE			
4/24	2ND READING GOVERNOR'S AMENDMENTS			
		CONCURRED	47	0
4/25	3RD READING GOVERNOR'S AMENDMENTS			
		CONCURRED	49	0
	RETURNED TO HOUSE			
5/01	SIGNED BY SPEAKER			
5/01	SIGNED BY PRESIDENT			
5/02	TRANSMITTED TO GOVERNOR			
5/10	SIGNED BY GOVERNOR			
	CHAPTER NUMBER 713	EFFECTIVE DATE: 10/01/85		

HB 799 INTRODUCED BY M. WILLIAMS, ADDY
GENERALLY REVISING LAWS CONCERNING MUNICIPAL AND
CITY COURTS

2/12	INTRODUCED			
2/12	REFERRED TO JUDICIARY			
2/22	HEARING			
2/22	COMMITTEE REPORT-BILL PASS AS AMENDED			
2/25	2ND READING PASS		97	0
2/26	3RD READING PASS		98	0
	TRANSMITTED TO SENATE			
3/04	REFERRED TO JUDICIARY			
3/20	HEARING			
3/20	COMMITTEE REPORT-BILL CONCURRED			
3/23	2ND READING CONCURRED		49	0
3/26	3RD READING CONCURRED		48	2
	RETURNED TO HOUSE			
3/28	SIGNED BY SPEAKER			
3/30	SIGNED BY PRESIDENT			
4/01	TRANSMITTED TO GOVERNOR			
4/03	SIGNED BY GOVERNOR			
	CHAPTER NUMBER 348	EFFECTIVE DATE: 10/01/85		

HB 800 INTRODUCED BY HARP, DEVLIN, M. WILLIAMS
ACCOUNTING AND FINANCE RECORDS TO BE KEPT BY
ACCEPTED ACCOUNTING PRINCIPLES
BY REQUEST OF HOUSE TAXATION

2/11	INTRODUCED			
2/11	REFERRED TO TAXATION			
2/12	HEARING			
2/12	COMMITTEE REPORT-BILL DO PASS			
2/14	2ND READING PASS		93	0
2/15	3RD READING PASS		96	0
	TRANSMITTED TO SENATE			
2/16	REFERRED TO STATE ADMINISTRATION			
3/12	FISCAL NOTE REQUESTED			
3/14	FISCAL NOTE RECEIVED			

HOUSE BILL NO. 799

INTRODUCED BY M. WILLIAMS, ADDY

IN THE HOUSE

February 12, 1985	Introduced and referred to Committee on Judiciary.
February 22, 1985	Committee recommend bill do pass as amended. Report adopted. Bill printed and placed on members' desks.
February 25, 1985	Second reading, do pass. Considered correctly engrossed.
February 26, 1985	Third reading, passed. Transmitted to Senate.

IN THE SENATE

March 4, 1985	Introduced and referred to Committee on Judiciary.
March 20, 1985	Committee recommend bill be concurrent in. Report adopted.
March 23, 1985	Second reading, concurred in.
March 26, 1985	Third reading, concurred in. Ayes, 48; Noes, 2. Returned to House.

IN THE HOUSE

March 27, 1985	Received from Senate. Sent to enrolling. Reported correctly enrolled.
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1 HOUSE BILL NO. 799
2 INTRODUCED BY M Williams
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE
5 LAWS CONCERNING MUNICIPAL AND CITY COURTS; EXPANDING THE
6 EXCLUSIVE JURISDICTION OF CITY COURTS; MAKING APPLICABLE TO
7 CITY COURTS CERTAIN PROVISIONS CONCERNING THE CONDUCT OF
8 MUNICIPAL COURT BUSINESS; PERMITTING CITY JUDGES TO
9 SOLEMNIZE MARRIAGES; REQUIRING A PERSON TO DISPLAY HIS
10 DRIVER'S LICENSE OR MOTOR VEHICLE INSURANCE CARD UPON DEMAND
11 OF A CITY OR MUNICIPAL JUDGE; AMENDING SECTIONS 3-11-103,
12 3-11-206, 40-1-301, 61-5-116, AND 61-6-302, MCA."

13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15 Section 1. Section 3-11-103, MCA, is amended to read:

16 "3-11-103. Exclusive jurisdiction. Except as provided
17 in 3-11-104, the city court has exclusive jurisdiction of:

18 (1) proceedings for the violation of an ordinance of
19 the city or town, both civil and criminal;

20 (2) when the amount of the taxes or assessments sought
21 does not exceed \$300 \$3,500, actions for the collection of
22 taxes or assessments levied for any of the following
23 purposes, except that no lien on the property taxed or
24 assessed for the nonpayment of the taxes or assessments may
25 be foreclosed in any such action:

- 1 (a) city or town purposes;
- 2 (b) the erection or improvement of public buildings;
- 3 (c) the laying out, opening, or improving of a public
4 street, sidewalk, alley, or bridge;
- 5 (d) the acquisition or improvement of any public
6 grounds; and
- 7 (e) public improvements made or ordered by the city or
8 town within its limits;
- 9 (3) actions for the collection of money due to the
10 city or town or from the city or town to any person when the
11 amount sought, exclusive of interest and costs, does not
12 exceed \$300 \$3,500;
- 13 (4) when the amount claimed, exclusive of costs, does
14 not exceed \$300 \$3,500, actions for:
- 15 (a) the breach of an official bond given by a city or
16 town officer;
- 17 (b) the breach of any contract when the city or town
18 is a party or is in any way interested;
- 19 (c) damages when the city or town is a party or is in
20 any way interested;
- 21 (d) the enforcement of forfeited recognizances given
22 to, for the benefit of, or on behalf of the city or town;
23 and
- 24 (e) collection on bonds given upon an appeal taken
25 from the judgment of the court in any action mentioned in

1 subsections (4)(a) through (4)(d);

2 (5) actions for the recovery of personal property
3 belonging to the city or town when the value of the
4 property, exclusive of the damages for the taking or
5 detention, does not exceed \$300 \$3,500; and

6 (6) actions for the collection of a license fee
7 required by an ordinance of the city or town."

8 Section 2. Section 3-11-206, MCA, is amended to read:

9 "3-11-206. City to provide facilities -- conduct of
10 court business. (1) The governing body of the city in which
11 the judge has been elected or appointed shall provide for
12 the judge:

13 ~~(1)~~(a) the office space, courtroom, and clerical
14 assistance necessary to enable him to perform his duties in
15 dignified surroundings;

16 ~~(2)~~(b) the books, records, forms, papers, stationery,
17 postage, office equipment, and supplies necessary for the
18 proper keeping of the records and files of the judicial
19 office and the transaction of business;

20 ~~(3)~~(c) one copy of the latest edition of the Montana
21 Code Annotated and all official supplements thereto or
22 immediate access to the code and supplements.

23 (2) (a) Except as provided in subsection (2)(b), the
24 provisions of 3-6-301 through 3-6-303 concerning conduct of
25 municipal court business apply to the city court.

1 (b) If the governing body of a city establishes by
2 ordinance the position of clerk of city court, 3-6-301 does
3 not apply to the city court."

4 Section 3. Section 40-1-301, MCA, is amended to read:

5 "40-1-301. Solemnization and registration. (1) A
6 marriage may be solemnized by a judge of a court of record,
7 by a public official whose powers include solemnization of
8 marriages, by a mayor, city judge, or justice of the peace,
9 by a tribal judge, or in accordance with any mode of
10 solemnization recognized by any religious denomination,
11 Indian nation or tribe, or native group. Either the person
12 solemnizing the marriage or, if no individual acting alone
13 solemnized the marriage, a party to the marriage shall
14 complete the marriage certificate form and forward it to the
15 clerk of the district court.

16 (2) If a party to a marriage is unable to be present
17 at the solemnization, he may authorize in writing a third
18 person to act as his proxy. If the person solemnizing the
19 marriage is satisfied that the absent party is unable to be
20 present and has consented to the marriage, he may solemnize
21 the marriage by proxy. If he is not satisfied, the parties
22 may petition the district court for an order permitting the
23 marriage to be solemnized by proxy.

24 (3) The solemnization of the marriage is not
25 invalidated by the fact that the person solemnizing the

1 marriage was not legally qualified to solemnize it, if
2 either party to the marriage believed him to be so
3 qualified."

4 Section 4. Section 61-5-116, MCA, is amended to read:

5 "61-5-116. License to be carried and exhibited on
6 demand. Every licensee shall have his operator's or
7 chauffeur's license in his immediate possession at all times
8 when operating a motor vehicle and shall display the same
9 upon demand of a justice of the peace, a city or municipal
10 judge, a peace officer, a highway patrolman, or a field
11 deputy or inspector of the division. However, no person
12 charged with violating this section shall be convicted if he
13 produces in court or the office of the arresting officer an
14 operator's or chauffeur's license theretofore issued to him
15 and valid at the time of his arrest."

16 Section 5. Section 61-6-302, MCA, is amended to read:

17 "61-6-302. Proof of compliance. (1) Except as provided
18 in subsection (2), before any applicant required to register
19 his motor vehicle may do so, the applicant must certify to
20 the county treasurer that he possesses an automobile
21 liability insurance policy, a certificate of self-insurance,
22 or a posted indemnity bond or that he is eligible for an
23 exemption under 61-6-303 covering the motor vehicle. The
24 certification shall be on a form prescribed by the division
25 of motor vehicles. The division may immediately cancel the

1 registration and license plates of the vehicle upon
2 notification that the insurance certification was not
3 correctly represented. Any person who intentionally provides
4 false information on an insurance certification is guilty of
5 unsworn falsification to authorities, punishable as provided
6 in 45-7-203.

7 (2) An applicant for registration of an automobile or
8 a truck having a rated capacity of three-quarters of a ton
9 or less, who wishes to register the vehicle by mail must
10 sign a statement on the application stating that the
11 applicant is in compliance with the financial liability
12 requirements of 61-6-301.

13 (3) An owner of a motor vehicle who ceases to maintain
14 the insurance or bond required or whose certificate of
15 self-insurance is canceled or whose vehicle ceases to be
16 exempt shall immediately surrender the registration and
17 license plates for the vehicle to the county treasurer for
18 delivery to the division and may not operate or permit
19 operation of the vehicle in Montana until insurance has
20 again been furnished as required and the vehicle is again
21 registered and licensed.

22 (4) Every person shall carry in a motor vehicle being
23 operated by him an insurance card approved by the division
24 but issued by the insurance carrier to the motor vehicle
25 owner as proof of compliance with 61-6-301. A motor vehicle

1 operator shall exhibit the insurance card upon demand of a
2 justice of the peace, a city or municipal judge, a peace
3 officer, a highway patrolman, or a field deputy or inspector
4 of the division. However, no person charged with violating
5 this subsection may be convicted if he produces in court or
6 the office of the arresting officer proof of insurance valid
7 at the time of his arrest."

-End-

STATUS SHEETFORTY-NINTH

LEGISLATIVE SESSION

COMMITTEE ON JUDICIARY

<u>HOUSE</u> BILL NO.	<u>ENTERED</u> COMM.	<u>DATE</u> CONSIDERED	<u>OUT OF</u> COMM.	<u>DO PASS</u> DATE	<u>DO NOT</u> PASS DATE	<u>DO PASS</u> AS AMEND. DATE	<u>BE CON-</u> CURRED IN DATE	<u>BE CONC. IN</u> AS AMENDED DATE	<u>BE NOT CON-</u> CURRED IN DATE
HB 760	2/9/85	2/20/85	2/20/85		2/20/85				
HB 443	2/9/85	2/11/85	2/11/85	(re-referred back to comm.)				2/11/85 (With Statement of Intent)	
HB 767	2/11/85	2/20/85 2/21/85	(tabled	2/21/85)					
HB 779	2/11/85	2/20/85	2/20/85	2/20/85					
HB 781	2/11/85	2/21/85	2/21/85	2/21/85					
HB 790	2/11/85	2/20/85	2/20/85	2/20/85					
HB 793	2/12/85	2/22/85 2/23/85	2/23/85			2/23/85			
HB 794	2/12/85	2/21/85 2/22/85	2/22/85			2/22/85			
HB 795	2/12/85	2/19/85	2/19/85	2/19/85					
HB 797	2/12/85	2/21/85 2/22/85	2/22/85		2/22/85				
HB 799	2/12/85	2/22/85	2/22/85			2/22/85			
HB 801	2/12/85		2/18/85	(referred to state administration)					
HB 803	2/12/85	2/20/85	2/20/85			2/20/85			
HB 807	2/12/85	2/21/85	2/21/85			2/21/85			
HB 808	2/12/85	2/21/85	2/21/85	2/21/85					
HB 809	2/12/85	2/21/85	2/21/85			2/21/85			

Use a separate sheet for Senate, House Bills, and Resolutions

HB 799 Explanation -- Rep. J. Melvin Williams

This bill does five things to improve the administration of city and municipal courts.

First, in Section 1, the jurisdiction dollar amount in city courts is raised from \$300 to \$3500, the same as in Justice Court. This increase applies only within the areas of exclusive jurisdiction of the city court. It does not alter the type or number of activities within that exclusive jurisdiction, it only raises the dollar amounts of the jurisdiction. The \$300 is archaic.

Second, in Section 2 (page 3, line 8), the amendment simply allows city councils to create the position of clerk of city court. Currently 3-6-301 and 3-6-302 require the city clerk to perform as exofficio clerk of city court. This change is strictly permissive.

Third, Section 3 (page 4, line 4) allows city judges to perform weddings as J.P.'s, municipal judges and tribal judges are currently allowed to do.

Fourth, Section 4 allows city/municipal judges to enforce the law requiring motor vehicle operators to have their drivers license in their possession during operation.

Fifth, Section 5 extends the same authority for the liability insurance card.

STANDING COMMITTEE REPORT

February 22 19 35

SPEAKER:
MR.

We, your committee on JUDICIARY

having had under consideration HOUSE Bill No. 799

FIRST reading copy (WHITE)
color

GENERALLY REVISING LAWS CONCERNING MUNICIPAL AND CITY COURTS

Respectfully report as follows: That HOUSE Bill No. 799

Be amended as follows:

1. Page 1, line 21.

Strike: "\$3,500"

Insert: "\$2,500"

2. Page 2, line 12.

Strike: "\$3,500"

Insert: "\$2,500"

3. Page 2, line 14.

Strike: "\$3,500"

Insert: "\$2,500"

4. Page 3, line 3.

Strike: "\$3,500"

Insert: "\$2,500"

AND AS AMENDED,
DO PASS

NORMAL SCHEDULE==> SITE: OLD SUPREME COURT ROOM DAYS: M-TU-W-TH-F TIME: 10:00 A.M.-12 NOON

BILL NO	REFER DATE	HEARING DATE	CONSIDERATION DATES	COMMITTEE ACTION	REFERRED TO COMM	DATE OUT
HB0781	3/04	3/11		CONCUR		3/21
SPAETH, GARY			PROSECUTOR MAY APPEAL FROM JUSTICE'S	OR CITY COURT TO DISTRICT COURT		
HB0790	3/04	3/13		CONCUR		3/13
RAMIREZ, JACK			LOAN GUARANTY AS CONTRACT UPON WHICH WRIT OF ATTACHMENT MAY ISSUE			
HB0793	3/05	3/25		CONCUR AS AMENDED		3/28
KEENAN, NANCY			DEFINING DOMESTIC VIOLENCE AND PERMITTING WARRANTLESS ARRESTS IN SOME CASES			
HB0799	3/04	3/20		CONCUR		3/20
WILLIAMS, J. MELVIN (MEL)			GENERALLY REVISING LAWS CONCERNING MUNICIPAL AND CITY COURTS			
HB0801	3/04	3/13		CONCUR AS AMENDED		3/15
JENKINS, LOREN			ALLOCATING YOUTH COURT COSTS AMONG THE COUNTIES BASED ON COST EXPERIENCE			
HB0803	3/04	3/20		CONCUR		3/20
PECK, RAY			CONFORM JUROR/WITNESS FEES OF CRT. NOT OF RECORD TO THOSE OF COURT OF RECORD			
HB0808	3/04	3/13	3/13	TABLED		3/15
RAMIREZ, JACK			FORFEITURE/REINSTATEMENT UNDER CONTRACT FOR DEED FOR REAL PROPERTY			
HB0809	3/04	3/21		CONCUR		3/21
FRITZ, HARRY			ELIMINATE STATE AGENCY RESPONSIBILITY FOR COSTS OF APPOINTED COUNSEL			
HB0831	2/22	3/15		CONCUR		3/15
MERCER, JOHN A.			REDEFINES THE OFFENSE OF INTIMIDATION TO CONFORM WITH WURTZ V. RISLEY			
HB0837	3/04	3/26		CONCUR AS AMENDED		3/28
PAVLOVICH, ROBERT J. (BOB)			PROVIDES FOR THE OFFENSE OF HARMING A POLICE DOG AND PRESCRIBES PENALTIES			
HB0840	3/04	3/21		CONCUR		3/22
HANSON, MARIAN W.			REMOVAL OF OIL LEASES FROM COUNTY RECORDS UPON EXPIRATION			

ACTION ON HB 587: Senator Daniels moved HB 587 be recommended BE CON-
CURRED IN. The motion carried unanimously.

CONSIDERATION OF HB 799: Representative Mel Williams, sponsor of
HB 799, testified this bill revises laws concerning municipal and city
courts. The jurisdictional dollar amount in city courts is raised to
\$2,500. This increase applies only within the areas of exclusive
jurisdiction of city courts. It allows city councils to create the
position of clerk of city court. It allows city judges to perform
weddings. It allows municipal judges to enforce the law requiring
motorists to have liability insurance coverage.

PROPOSERS: Judge Pat Paul, on behalf of the Magistrates Association,
testified they supported the bill.

OPPOSERS: None.

QUESTIONS FROM THE COMMITTEE: Senator Towe asked Representative Williams
to comment on the change in the jurisdiction amount. Representative
Williams replied due to inflation and due to the fact justice court
jurisdiction has been raised to \$3,500, it is only fair. Senator Towe
asked how he explained jurisdiction. Can anyone with a dispute under
\$2,500 come to your court. Judge Paul replied he believes that is in
relation to tax assessments. Senator Towe stated it appears page 2,
lines 13-14, expand the justice court jurisdiction for any claim.
Senator Mazurek stated it applies only to those enumerated subsections.

CLOSING STATEMENT: None.

Hearing on HB 799 was closed.

ACTION ON HB 799: Senator Blaylock moved HB 799 be recommended BE
CONCURRED IN. The motion carried unanimously.

CONSIDERATION OF HB 889: Representative Mel Williams, sponsor of
HB 889, presented written testimony in support of the bill (Exhibit 1).

PROPOSERS: Judge Pat Paul, on behalf of the Montana Magistrates
Association, testified they support the bill. They feel the fee in-
crease is justified with the increased cost of doing business. Jim
Jensen, representing the Montana Magistrates Association, pointed out
there are additional revenues in this bill for the counties which are
required to be credited to the budget of the justice courts. Missoula
County is the only county that does not generate enough cost to pay for
the court.

OPPOSERS: None.

ROLL CALL

SENATE JUDICIARY

COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 032085

NAME	PRESENT	ABSENT	EXCUSED
Senator Chet Blaylock	X		
Senator Bob Brown	X		
Senator Bruce D. Crippen	X		
Senator Jack Galt	X		
Senator R. J. "Dick" Pinsoneault	X		
Senator James Shaw	X		
Senator Thomas E. Towe	X		
Senator William P. Yellowtail, Jr.	X		
Vice Chairman Senator M. K. "Kermit" Daniels	X		
Chairman Senator Joe Mazurek	X		

STANDING COMMITTEE REPORT

March 20 19 85

MR. PRESIDENT

JUDICIARY

We, your committee on.....

HOUSE BILL

having had under consideration..... No. 799

third reading copy (blue)
color

(Senator Blaylock)

GENERALLY REVISING LAWS CONCERNING MUNICIPAL AND CITY COURTS

Respectfully report as follows: That..... HOUSE BILL..... No. 799

BE CONCURRED IN

~~DOXKATX~~

~~DOXKATX~~

Senator Joe Maxirek

Chairman.